

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

Marc Capone, Esq.
60 Highway 71
Spring Lake Heights, NJ 07762

In Re:

Eugene & Lynne Leimberg



Order Filed on December 14, 2016
by Clerk
U.S. Bankruptcy Court
District of New Jersey

Case No.: 14-13700

Hearing Date: 12/13/16

Chapter: 13

Judge: Kaplan

**ORDER AUTHORIZING
SALE OF REAL PROPERTY**

Recommended Local Form: ☒ Followed ☐ Modified

The relief set forth on the following pages numbered two (2) and three (3) is
ORDERED.

DATED: December 14, 2016

A handwritten signature in black ink, appearing to read "Michael B. Kaplan".

Honorable Michael B. Kaplan
United States Bankruptcy Judge

After review of the Debtor's motion for authorization to sell the real property commonly known as 37 Comanche Drive, Oceanport, New Jersey (the Real Property).

IT IS hereby **ORDERED** as follows:

1. The Debtor is authorized to sell the Real Property on the terms and conditions of the contract of sale pursuant to 11 U.S.C. §§ 363(b) and 1303.
2. The proceeds of sale must be used to satisfy the liens on the real property unless the liens are otherwise avoided by court order. Until such satisfaction the real property is not free and clear of liens.
3. ☒ In accordance with D.N.J. LBR 6004-5, the *Notice of Proposed Private Sale* included a request to pay the real estate broker and/or debtor's real estate attorney at closing. Therefore the following professional(s) may be paid at closing.

Name of professional: Marc Capone

Amount to be paid: \$1,000.00

Services rendered: Representation for sale

Judith Martinelly/Brokers 3 Realtors
2.25% of \$366,500 - Listing broker
Christopher Hence/Ward Wight Sotheby's
2.25% - \$50 of \$366,500 - Selling agent

OR: ☐ Sufficient funds may be held in escrow by the Debtor's attorney to pay real estate broker's commissions and attorney's fees for the Debtor's attorneys on further order of this court.

4. Other closing fees payable by the Debtor may be satisfied from the proceeds of sale and adjustments to the price as provided for in the contract of sale may be made at closing.

5. The amount of \$ 28,523.00 claimed as exempt may be paid to the Debtor.
6. The ☐ *balance of proceeds* or the ☒ *balance due on the debtor's Chapter 13 Plan* must be paid to the Chapter 13 Trustee in the Debtor's case.
7. A copy of the HUD settlement statement must be forwarded to the Chapter 13 Trustee 7 days after closing.
8. ☐ The debtor must file a modified Chapter 13 Plan not later than 21 days after the date of this order.
9. Other provisions: The mortgage held by Bank of America will be paid in full through the proceeds of sale.

rev.8/1/15

Certificate of Notice Page 4 of 4
United States Bankruptcy Court
District of New Jersey

In re:
Eugene A Leimberg
Lynne A Leimberg
Debtors

Case No. 14-13700-MBK
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-3

User: admin
Form ID: pdf903

Page 1 of 1
Total Noticed: 1

Date Rcvd: Dec 15, 2016

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 17, 2016.

db/jdb Eugene A Leimberg, Lynne A Leimberg, 37 Comanche Dr, Oceanport, NJ 07757-1552

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Dec 17, 2016

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 15, 2016 at the address(es) listed below:

Albert Russo docs@russotrustee.com
Albert Russo on behalf of Trustee Albert Russo docs@russotrustee.com
Albert Russo (NA) on behalf of Trustee Albert Russo docs@russotrustee.com
Denise E. Carlon on behalf of Creditor PNC Bank, National Association
bankruptcynotice@zuckergoldberg.com, bkgroup@kmlawgroup.com
Marc C. Capone on behalf of Debtor Eugene A Leimberg mcapone@caponeandkeefe.com,
docs@caponeandkeefe.com
Marc C. Capone on behalf of Joint Debtor Lynne A Leimberg mcapone@caponeandkeefe.com,
docs@caponeandkeefe.com
Michael Frederick Dingerdissen on behalf of Creditor BANK OF AMERICA, N.A.
nj.bkecf@fedphe.com
R. A. Lebron on behalf of Creditor PNC BANK, NATIONAL ASSOCIATION bankruptcy@feinsuch.com
Tammy L. Terrell on behalf of Creditor PNC BANK, NATIONAL ASSOCIATION bankruptcy@feinsuch.com
TOTAL: 9